

Mailing Address: P.O. Box 1779

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Chesapeake, VA 23320

24 Hours: (757) 436-3000

1-800-989-4467

Fax: (757) 436-5266

File in How  
finds

M. Lisa Silvia



July 7, 2006

Ms. Julia M. King-Collins  
Environmental Specialist II  
Virginia Department of Environmental Quality  
Post Office Box 10009  
Richmond, VA 23240

*Sent Via Facsimile and U.S. Postal Service*

Facsimile # 804-698-4383



RE: Alleged Storage Greater than 10 Days for EPA ID #VAD041447111(5)

Dear Ms. King-Collins:

This correspondence is generated in relation to a request for explanation of circumstances related to alleged storage of hazardous waste greater than 10 days per your letter dated June 20, 2006.

Per your review of our Transporter Annual Report dated March 30, 2006, you cited seven (7) occurrences of manifests reflecting hazardous waste storage greater than 10 days. IMS Environmental Services, Inc. has reviewed the occurrences. Of the first six (6) cited manifests (manifest numbers 5221, 5222, 53333, 3337, 5751, and 73211) the days of storage did exceed 10 days but not more but than 15 days and these spans included weekends. In these six (6) occurrences, IMS Environmental Services, Inc. was unable to properly and economically secure a licensed and permitted Transporter 2 to transport the hazardous waste to the receiving facility within the appropriate 10 days. Our corrective action to prevent the root cause for these occurrences is to limit accepting hazardous waste as Transporter 1 until we are confident that arrangements for Transporter 2 are reasonably established. The seventh (7<sup>th</sup>) cited manifest was incorrectly cited in your letter as manifest number 5454. Our review of our Annual Report and our manifests reflect your citing should have been manifest number 5464. Complicating this citing is that IMS Environmental Services, Inc. incorrectly reported the wrong date of receipt of shipment as 07/30/05 when the correct date according to manifest number 5464 is reported as 09/09/05.

Ms. Lisa Silvia, Waste Inspector Senior II of the Department of Environmental Quality issued a Warning Letter dated March 27, 2006 to IMS Environmental Services Inc. which you were copied. Your current letter dated June 20, 2006 requesting explanation of alleged storage greater than 10 days and Ms. Silvia's Warning Letter are related issues. IMS Environmental Services, Inc.'s written response containing corrective actions to Ms. Silvia's Warning Letter also apply to our needs for corrective action regarding alleged storage greater than 10 days. Attached are copies of both Ms. Silvia's Warning Letter and IMS Environmental Services, Inc.'s written response.

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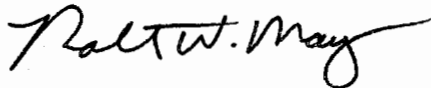
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Ms. Julia M. King-Collins  
Virginia Department of Environmental Quality  
July 7, 2006  
Page 2

In summary, IMS Environmental Services, Inc. is a new corporation and operated by new management and has recognized the inadequacies brought forth by the VDEQ meeting of February 24, 2006, the subsequent Warning Letter of March 27, 2006, and the letter regarding alleged storage greater than 10 days. While the new IMS Environmental Services, Inc. operates the same hazardous waste transporter permit, several important circumstances have changed. Changes pertaining to the operation of the permit include new management, change of particular employees involved with permit, implementation of better waste management practices, new employee hiring, additional training as requested and documented, and submission of annual reports. The execution and maintenance of the permit VAD041447111(5) is steadily improving. The expectation and goals for the future execution and maintenance of the permit shall be to eliminate manifesting documentation errors, submit annual reports in compliance with the compliance reporting period, and continuing training education efforts related to RCRA and DOT requirements.

Sincerely,

**IMS ENVIRONMENTAL SERVICES, INC.**



Robert W. May, P.G.  
Mid-Atlantic Region Manager  
IMS Environmental Services, Inc.

c: Lisa A. Silvia, VDEQ-TRO

~~Mitigation VDEQ-TRO~~

Ron L. Horton, Jr., HEPACO, Inc. and IMS Environmental Services, Inc.



File in the  
IMS

my  
D. K. Paylor  
List  
P. J.

## COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.  
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY  
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David K. Paylor  
Director

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June 20, 2006

Larry Halda  
Branch Manager  
IMS Environmental Services, Inc.  
1301 Marsh Street  
P. O. Box 1779  
Norfolk, Virginia 23503-1779

Re: Alleged Storage Greater Than 10 Days  
IMS Environmental Services, Inc.  
EPA ID Number VAD041447111

Dear Mr. Halda:

The Department of Environmental Quality (DEQ) is in receipt of your *Transporter Annual Report Forms* (annual report) dated March 30, 2006. While reviewing the annual report, it appears that IMS Environmental Services, Inc. (IMS) stored manifested shipments of hazardous waste for a period greater than 10 days. Therefore, IMS is in violation of the Virginia Hazardous Waste Management Regulations (VHWMR) 9 VAC 20-60-500 and 40 CFR Part 263.12. Please review the information listed below:

Date of Receipt of Shipment	Generator ID Number	Facility ID (or Secondary Transporter) Number	Date Released to Facility (or Secondary Transporter)	Manifest Number
03/24/05	VAD988207619	TN0000772186	04/08/05	5221
03/29/05	VACESQG	TN0000772186	04/13/05	5222
06/01/05	VAD988193940	TN0000772186	06/15/05	53333
06/01/05	VAD988193940	TN0000772186	06/15/05	3337
06/01/05	VACESQG	TN0000772186	06/15/05	5751
05/07/05	VAD988193940	TN0000772186	05/18/05	73211
07/30/05	VAD982076702	NCD497773245	09/12/05	5454

DEQ is requesting that IMS provide a letter of explanation stating why and how the storage occurred, and what action(s) IMS will perform in the future to prevent this violation from

Mr. Larry Halda, Branch Manager  
IMS Environmental Services, Inc.  
Alleged Storage Greater Than 10 Days  
June 20, 2006  
Page 2



occurring again. This letter needs to be received by our office by July 7, 2006. If you additional time, please let me know prior to the expiration date.

If you have any questions, please contact me at (804) 698-4237 or by e-mail at [jmking-col@deq.virginia.gov](mailto:jmking-col@deq.virginia.gov).

Sincerely,

A handwritten signature in cursive script that reads "Julia M. King-Collins".

Julia M. King-Collins  
Environmental Specialist II  
Office of Waste Permitting

cc: ✓ Milt Johnston, DEQ-TRO  
Leslie A. Romanchik, DEQ-CO  
Edith Cornell, DEQ-CO  
Hazardous Waste Transporter File, DEQ-CO



## Hazardous Waste Survey Sheet

Facility Name	<b>IMS Environmental Services Inc.</b>	EPA ID Number	<b>VAD041447111(5)</b>		
Physical Address	1301 Marsh Street	City	Norfolk	State	VA Zip 23523
Mailing Address	PO Box 1779	City	Norfolk	State	VA Zip 23501
Facility Representative(s)	Contact Information				
		Tel.	(757) 543-5718		
		Fax.	(757) 543-4561		
		E-mail	<a href="mailto:bgenzler@hepaco.com">bgenzler@hepaco.com</a> , <a href="mailto:lhalda@imsenv.com">lhalda@imsenv.com</a>		
DEQ Representative(s)		Date	Type of Inspection		
Lisa A. Silvia, Waste Inspector Senior II		February 16 and 24, 2006	<b>CEI-Transporter</b>		

### 1 BUSINESS DESCRIPTION

What is the business activity of the firm? (i.e., furniture manufacturing, metal plating, recycling)  
Emergency response contract services, remediation services, hazardous, medical and solid waste transport, and tank cleaning.

SIC Code(s)	(See NAICS)	NAICS Code(s)	562910 – Remediation Services
-------------	-------------	---------------	-------------------------------

Provide a description of processes and/or processes generating wastes. Attach a flow diagram for on-site waste management processes (other than simple satellite/container accumulation, unless relevant).

No routine hazardous waste generation on site.

Transport of hazardous waste in containers; 10-day transfer facility on site consists of a locked trailer box.

Limited vehicle maintenance on site. Oil and antifreeze are handled by US Filter. Oil filters are drained and crushed prior to disposal. No vehicle gasoline-related work done on site. Batteries go for vendor core exchange.

Switching to green tip fluorescent lamps as change out.

Used oil transporter.

Oil/water (petroleum) separation/processing services (in tanks) on site connected to a CWA-permitted pre-treatment process, including sludge management. Petroleum, including some limited gasoline, recovery goes for re-sale (e.g. oil sold as #5 blend and gasoline to Gladieux in Fort Wayne, IN). Waters are discharged to HRSD. Sludge is analyzed for TCLP prior to disposal to SPSA, Soilex, or the Middle Peninsula Landfill. Oils which are not processed on site are sent directly to C&M Industries, Norfolk, for recycle,

## Hazardous Waste Survey Sheet

### 2 WASTESTREAM(S)

Give a brief description of the waste stream(s) (by chemical name, if possible) and hazardous waste code(s) generated by the facility.

No routine hazardous waste generation.

### 3 GENERATION RATE(S)

(a) List the (a) nominal amounts of hazardous waste generated in any month and (b) the greatest amounts of all wastes ever accumulated/generated at the site if applicable to generator category determination (i.e., if a CESQG, have they ever exceeded 1000 kg accumulation, or if a SQG have they ever exceeded 1000 kg/mo generation for all waste streams aggregate).

Waste codes	(a) Amount generated in any month	(b) Greatest amounts of ever accumulated
N/A		

### 4 ACUTE HAZARDOUS WASTE

Yes No NA

(a) Has the facility generated >1 kg/mo of *acute* hazardous waste (P-list)?

☐ ☒ ☐

(b) Has the facility generated >100 kg of *acute* hazardous waste from spill clean-up residue?

☐ ☒ ☐

### 5 EXCLUSIONS

Yes No NA

(a) Does the facility generate any hazardous waste that is excluded from regulation? (i.e., reclaimed on-site, used as a substitute for a CCP, de-characterized by treatment). If yes, list the waste and the basis for the exclusion.

☒ ☐ ☐

#### COMMENTS:

Recovered gasoline from gassy waters is sold as fuel to/through Gladieux of Fort Wayne, IN. Recovered oil from oily waters/vessel slops is blended and sold as #5 fuel.

### 6 PRECIOUS METALS RECYCLING

Yes No NA

(a) Does the facility generate any hazardous waste that is reclaimed to recover economically feasible amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these?

☐ ☒ ☐

(b) If yes, list the waste and where it is sent. Verify compliance with Part 266 Subpart F and provide comments:

## Hazardous Waste Survey Sheet

### 7 ACCUMULATION TIME AND QUANTITY

Yes No NA NC

(c) Has the facility accumulated hazardous waste in excess of time and quantity limits established for their generator class? [NOTE: A CESQG may not accumulate more than 1000 kg, a SQG may not accumulate more than 6000 kg or accumulate more than 180 days (or 270 days), and a LQG may not accumulate more than 90 days.]

☐ ☐ ☒ ☐

(d) Has the facility *episodically* generated hazardous waste in excess of their normal generator category? [Note: Applicable generator category requirements apply to *ALL* wastes during the period of generation and for as long as the waste remains on-site.]

☐ ☒ ☐ ☐

### 8 OFF-SITE SHIPMENT

How is the waste presently being handled? Where is it sent? (List all transporters and facilities, or on-site treatment performed.)

Transporters/TSD Fac.	EPA ID Numbers	On-site Treatment
<b><u>Transporters (IMS is primary; others are secondary to TSD):</u></b> AERC IMS Environmental Services Inc Parts Cleaning Tech Pollution Control Industries Robbie D. Wood	VAR000502591 VAD041447111 NCR000138107 IND000646943 ALD067138891	
<b><u>Disposal Facilities (for waste transported by IMS):</u></b> AERC, Allentown, PA Detrex Corporation, Charlotte, NC PCI, Millington, TN	PAD987367216 NCD049773245 TND000772186	

### 9 FACILITY UNIVERSE

Based on the above preliminary information, the facility is considered to have acted as and is being evaluated for this inspection as a:

- ☐ Conditionally exempt small quantity generator (CESQG)  
☐ Small quantity generator (SQG)  
☐ Large quantity generator (LQG)  
☐ Permitted or interim status TSDF  
☒ Transporter – **hazardous waste and used oil**  
☐ Other: explain

NOTE: If episodic generation has occurred, assign an appropriate generator status for this evaluation and assess compliance during/for the episodic period.

Comments:

### 10 VIRGINIA SPECIFIC REQUIREMENTS FOR NOTIFICATION

Yes No NA NC

(a) Is the facility subject to the annual fee as a permitted facility or generator? (9 VAC 20-60-1283)

☐ ☒ ☐ ☐

(b) For new, episodic or provisional generators, has the facility provided notification to DEQ that it is

☐ ☐ ☒ ☐

## Hazardous Waste Survey Sheet

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a generator by submitting documentation to the Regional Office as required under 9 VAC 20-60-315 and 20-60-1283?

11 GENERAL COMMENTS

**See cover letter for additional details and concerns.**



file - dthw



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

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Preston Bryant  
Secretary of Natural Resources

David K. Paylor  
Director

Francis L. Daniel  
Regional Director

June 6, 2006

Mr. Robert W. May, PG  
Mid-Atlantic Region Manager  
IMS Environmental Services Inc.  
PO Box 1779  
Norfolk, Virginia 23501-1779

**RE: EPA ID #VAD041447111(5)**  
**IMS Environmental Services Inc.**  
**1301 Marsh Street**  
**Norfolk**

Dear Mr. May:

The Department of Environmental Quality ("DEQ") Tidewater Regional Office ("TRO") has received your letter dated April 17, 2006 (hand delivered) in response to DEQ's Warning Letter dated March 27, 2006. It is also noted that reporting year 2004 and 2005 transporter annual reports were received at DEQ TRO on March 31, 2006. Your letter identifies a series of operational and management actions implemented by IMS Environmental Services Inc. to prevent future occurrence of manifest and/or recordkeeping compliance concerns, as cited in the Observations and Areas of Concern sections of the Warning Letter. This satisfies DEQ's request for a plan of corrective action. No additional information is requested in response to the March 27, 2006 Warning Letter.

If you have any questions about the content of this letter or need additional guidance, please contact me at (757) 518-2175.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Silvia".

Lisa A. Silvia

Waste Inspector Senior II

c: Alison Anderson, DEQ, OTA (electronic)  
File



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Norfolk, VA 23501-1779  
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Chesapeake, VA 23320

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**IMS**  
**ENVIRONMENTAL**  
**SERVICES**

April 17, 2006

Ms. Lisa A. Silvia  
Waste Inspector Senior II  
Virginia Department of Environmental Quality  
Tidewater Regional Office  
5636 Southern Boulevard  
Virginia Beach, VA 23462

*Sent Via Hand-Delivery*

*Rej*

RE: Warning Letter for EPA ID #VAD041447111(5)

Dear Ms. Silvia:

This correspondence is generated in relation to a Warning Letter signed by you and dated March 27, 2006. The Warning Letter requested a response within 20 days.

The Warning Letter cites several observations, additional notes, and areas of concern related to EPA ID #VAD041447111(5). The record should be noted that the permit number had formerly been issued to Industrial Marine Service, Inc. but then in March 2005 a limited asset purchase was transacted. A new corporation was formed as IMS Environmental Services, Inc. as well as a new corporate management structure. This change was notified to your office as documented by subsequent correspondence regarding submission of EPA Form 8700-12. Review of the observations, additional notes, and areas of concern cited within the Warning Letter revealed that the majority of these issues occurred or stemmed from much earlier dates than the corporation change of March 2005. The significance of the change of corporation relates to the self-imposed corrective actions taken during the last year of operation.

Observations citing inadequate submission of hazardous waste transporter annual reports have all been presently satisfied. The inadequacies for submission of annual reports occurred during the operation of the old corporation, Industrial Marine Service, Inc. IMS Environmental Services, Inc. has submitted all past annual reports (2002, 2003, and 2004). Furthermore, IMS Environmental Services, Inc. submitted the 2005 annual report to your office within 90 days of the close of the reporting year, compliant with 9 VAC 20-60-430.F of the Virginia Hazardous Waste Management Regulations.

The additional notes and areas of concern part of the Warning Letter cite several manifesting documentation errors. The majority of the manifest documentation errors occurred during the operation of the old corporation, Industrial Marine Service, Inc. The individual employees

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Ms. Lisa A. Silvia  
Virginia Department of Environmental Quality  
April 17, 2006  
Page 2

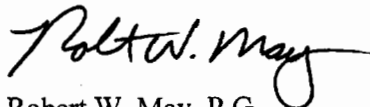
primarily involved with these erred manifests have gradually separated from employment with IMS Environmental Services, Inc. over the past year of the new corporation. Furthermore and at the recommendation of the VDEQ inspector, Ms. Lisa Silvia, particular employees have received additional training related to RCRA and DOT regulatory requirements. This training was coordinated by Hepaco, Inc. in conjunction with the North Carolina Occupational Safety & Health Educational Resource Center. Copies of training certificates are provided as an attachment.

A specific manifest documentation error was cited which potentially impacted a third party, Fort Eustis. This particular incident occurred during the operation of the old corporation, Industrial Marine Service, Inc. and was managed by a former employee. The former employee involved in the incident left employment of IMS Environmental Services, Inc. shortly after the new corporation was set and new management and practices were emplace. Since receipt of the Warning Letter, a representative of IMS Environmental Services, Inc., Mr. Bryan Genzler, has met with the third party to discuss the circumstances involving the contract with EC&C.

In summary, IMS Environmental Services, Inc. is a new corporation and operated by new management and has recognized the inadequacies brought forth by the VDEQ meeting of February 24, 2006 and this subsequent Warning Letter. While the new IMS Environmental Services, Inc. operates the same hazardous waste transporter permit, several important circumstances have changed. Changes pertaining to the operation of the permit include new management, change of particular employees involved with permit, implementation of better waste management practices, new employee hiring, additional training as requested and documented, and submission of annual reports. The execution and maintenance of the permit VAD041447111(5) is steadily improving, as evidenced. The expectation and goals for the future execution and maintenance of the permit shall be to eliminate manifesting documentation errors, submit annual reports in compliance with the compliance reporting period, and continuing training education efforts related to RCRA and DOT requirements.

Sincerely,

**IMS ENVIRONMENTAL SERVICES, INC.**



Robert W. May, P.G.  
Mid-Atlantic Region Manager  
IMS Environmental Services, Inc.

*Satisfactory for compliance*  
*(Signature)*  
*4/16/06*

c: Ron L. Horton, Jr., HEPACO, Inc. and IMS Environmental Services, Inc.



File - ntw  
JMS

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### TIDEWATER REGIONAL OFFICE

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Secretary of Natural Resources

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David K. Paylor  
Director

Francis L. Daniel  
Regional Director

March 27, 2006

Mr. Larry Halda  
Director of Norfolk Operations  
IMS Environmental Services Inc.  
PO Box 1779  
Norfolk, Virginia 23501

Due 5/1 (30 days)  
(see email re: date of letter)  
Response rec'd 4/17/06  
all R/C

### WARNING LETTER

RE: EPA ID #VAD041447111(5)  
IMS Environmental Services Inc., Norfolk

Dear Mr. Halda:

The Department of Environmental Quality ("DEQ" or "the Department") has reason to believe that the referenced facility may be in violation of the Waste Management Law and Regulations.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the Waste Management Law and Regulations. Pursuant to Va. Code § 10.1-1455 (G), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* The Department requests that you respond **within 20 days of the date of this letter.**

### OBSERVATIONS AND LEGAL REQUIREMENTS

On February 16 and 24, 2006, DEQ Tidewater Regional Office staff conducted a compliance evaluation inspection of waste management and handling procedures at IMS Environmental Services, Inc. ("IMS"). It is noted that IMS maintains a current hazardous waste transporters' permit in Virginia and is also a used oil transporter. A copy of the survey and inspection checklists is attached for your information.

The following describes the staff's factual observations and identifies the applicable legal requirements:

50pts. 4/17/06 ✓  
1) *Observation:* IMS had in on-site files reviewed during the site visit the pre-printed "Transporter #1" and "Designated Facility" copies of a single manifest for Bay Bridge Enterprises, EPA identification number VAD988207619, initial transport date of March 24, 2005.

*Legal Requirements:* 40 CFR 263.20(d)(3) and 9 VAC 20-60-263 of the Virginia Hazardous Waste Management Regulations ("VHWMR") states that a transporter who delivers a hazardous waste to another transporter or to the designated facility must give the remaining copies of the manifest to the accepting transporter or designated facility.<sup>1</sup>

8 submittal 3/31/06 50pts. ✓  
2) *Observation:* IMS was issued Virginia hazardous waste transporter permit VAD0414471115, as per 9 VAC 20-60-450 of the VHWMR, on November 9, 2001. The permit was revoked and reissued on October 7, 2005, with an expiration date of November 9, 2011. As of February 24, 2006, DEQ had no record of receiving IMS' hazardous waste transporter annual report for calendar year 2004. The report was not available for review during the site visits on February 16 and 24, 2006 at IMS' Norfolk or Chesapeake locations.

*Legal Requirements:* 9 VAC 20-60-430.F of the VHWMR state that all transporters permitted by the director under 9 VAC 20-60-450 are required to submit an annual report of hazardous waste transporting activities.

50pts. 4/17/06 ✓  
3) *Observation:* IMS' hazardous waste transporter annual reports for calendar years 2002 and 2003 were received by DEQ on October 8, 2005 (dated September 28, 2005). Both reports were requested by DEQ on September 14, 2005 as a condition of the revocation and reissuance of the hazardous waste transporter permit, VAD0414471115.

*Legal Requirements:* 9 VAC 20-60-430.F of the VHWMR also states that the annual report shall be submitted within 90 days of the close of the reporting year. The reporting year ends December 31 of each calendar year.

#### ADDITIONAL NOTES AND AREAS OF CONCERN

The following are not current compliance and/or enforcement issues; however, these are additional notes and areas of concern that might be addressed to ensure full and complete compliance with the VHWMR and to operate "beyond compliance", as well as general public health, safety and environmental concerns. Response to the DEQ is requested for those items as indicated below (in bold).

I) As part of the services it provides, IMS often prepares hazardous waste manifests and land disposal restriction ("LDR") notifications on behalf of its transport customers, hazardous waste generators. 40 CFR Part 262 ('Standards Applicable to Generators of Hazardous Waste'),

<sup>1</sup> The Virginia Hazardous Waste Management Regulations ("VHWMR") are set forth at 9 VAC 20-60-12 *et seq.* (the "Regulations"). The Regulations at 9 VAC 20-60-124, 260-266, -268, -270, -273 and -279 adopt by reference certain provisions of Title 40 of the Code of Federal Regulations ("CFR"). Citations made herein will be to the relevant section of the CFR which are incorporated by reference into the Regulations.

Subpart B outlines the requirements for completion of manifests, including reference to the instructions in the appendix to Part 262. 40 CFR 268.7(a) provides the generator paperwork requirements for compliance with land disposal restriction notifications. Thus compliance with the proper completion of shipping records predominantly falls to the generator of the hazardous waste. Numerous apparent errors were observed on copies of 2004 and 2005 manifests reviewed in the transporter files at IMS, including (regulatory citations are added for reference):

- a) Multiple manifests had incorrect EPA identification numbers for transporters, including for IMS (VAD0041447111 – extra “0” digit) as transporter #1 and for Parts Cleaning Tech (NCD000138107 – “D” should be “R”) as transporter #2. [262 Appendix items #6 and #8]
- b) Multiple manifests had the incorrect name and/or incorrect EPA identification number for the designated facility (e.g., Detrex listed as “Dextrex”, NC49773245 missing two digits which should be NCD049773245). [40 CFR 262.20(b) and 262 Appendix items #9 and 10]
- c) IMS files had multiple examples of retaining the pre-printed copy identified as the initial “generator” copy of a manifest instead of the “transporter” copy (although regulation requires that the transporter retain a copy) or when IMS served as waste broker only and did not transport. [40 CFR 262.23(a)(3) and (b)]
- d) The use of EPA identification numbers that could not be confirmed (e.g., VA0041144711 for Koester, and VAD9881934001 for City of Chesapeake), incorrect EPA identification numbers for a designated site address (e.g., VAD000003857 for HRSD Shore Drive – VAR000003897 is assigned to HRSD Air Rail Avenue), and/or the use of “VACESQG” for generators with existing EPA identification numbers and who may not be conditionally exempt (e.g., Univar and Fort Eustis). [40 CFR 262.12(a) and 262 Appendix item #1]
- e) IMS listed itself as the generator on the manifest (Block 3) for a conditionally exempt generator and placed “VACESQG” in Block 1 (e.g. manifest 01301 dated 11/04/2004). [Note that conditionally exempt generators are not required to use manifests as found at 40 CFR 261.5(b).]

In addition to the above, one specific transport in 2004 exhibited apparent paperwork errors that has triggered potential noncompliance issues for a third party, Fort Eustis. EC & C, Virginia Beach, contracted IMS for the transport of waste generated at Fort Eustis, Newport News. The waste was generated during a lead paint abatement project completed by EC&C at the Fort Eustis Army installation. IMS staff prepared, and signed shipping paperwork as agent for EC&C. The waste was transported on manifest #4980 (sic) using EPA identification number “CESQG” and generator name and mailing address, “US Army, Fort Eustis Army Base, ECNC, 4434 Gulls Quay, Va. Beach, VA”. The waste was identified on the manifest as “waste paint related material” with EPA waste codes F003, F005, and D001. The LDR notice, also signed by IMS staff, listed the profile number, but did not list the EPA waste codes, treatability group, or underlying hazardous constituents (if applicable), all of which are required as per the generator paperwork requirements at 40 CFR 268.7(a)(2).

As generator is defined by site, the waste was at least in part generated at Fort Eustis in Newport News. Fort Eustis, a large quantity generator, is required to use manifests and has EPA identification number VA8213720321. Thus it would appear this manifest and LDR notice have

an incorrect EPA identification number and manifest number (which must be five digits). The LDR notice is also apparently incomplete. In addition, based on the physical description of the waste (lead paint chips), the profile and subsequent assignment of EPA waste codes and proper shipping name, is also of concern.

✓  
5/15. 4/6/06  
On February 24, 2006, DEQ and IMS staff met to discuss the manifest issues noted above. DEQ staff suggested that IMS staff receive additional training. IMS notified DEQ by telephone on March 15, 2006, that training was in progress for Norfolk operations staff. **It is requested that IMS respond with additional actions taken or planned to resolve the above and other manifest errors for customers, past and future.** It is DEQ's hope that most of the errors were previously identified by the generators and addressed appropriately.

II) In addition, as discussed with staff during the site visits, information on the management of fluorescent lamps, a sample of guidance on mixing off-site wastes by transporters (RCRAOnline documents 11567, 13272 and 13308), and a compliance assistance checklist for small quantity generators of hazardous waste, has been included with your copy of this report as requested. Each is provided as guidance only and should not be substituted for regulatory language and compliance.

#### ENFORCEMENT AUTHORITY

Va. Code § 10.1-1455 of the Waste Management Act provides for an injunction for any violation of the Waste Management Act, Waste Management Board regulations, an order, or permit condition, and provides for a civil penalty up to \$32,500 per day of each violation of the Waste Management Act, regulation, order, or permit condition. In addition, Va. Code § 10.1-1455 (G) authorizes the Waste Management Board to issue orders to any person to comply with the Waste Management Act and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Waste Management Act and regulations, and to impose a civil penalty of not more than \$10,000. Va. Code §§ 10.1-1455 (D) and 10.1-1455 (I) provide for other additional penalties.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys' fees and costs.

#### FUTURE ACTIONS

After reviewing this letter, please respond in writing to DEQ **within 20 days of the date of this letter** detailing actions you have taken or will be taking to ensure compliance with state law and regulations. If corrective action will take longer than 90 days to complete, you may be asked to sign a Letter of Agreement or enter into a Consent Order with the Department to formalize the plan and schedule. *It is DEQ policy that appropriate, timely, corrective action undertaken in response to a Warning Letter will avoid adversarial enforcement proceedings and the assessment of civil charges or penalties.*

Please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In the event that discussions with staff do not lead

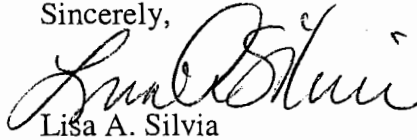


to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. If you complete the Process for Early Dispute Resolution and are not satisfied with the resolution, you may request in writing that DEQ take all necessary steps to issue a case decision where appropriate. For further information on the Process for Early Dispute Resolution, please visit the Department's website under "Laws & Regulations" and "DEQ regulations" at:

[http://www.deq.virginia.gov/regulations/pdf/Process\\_for\\_Early\\_Dispute\\_Resolution\\_8260532.pdf](http://www.deq.virginia.gov/regulations/pdf/Process_for_Early_Dispute_Resolution_8260532.pdf) or ask the DEQ contact listed below.

I am your contact at DEQ in this matter. Please direct written materials to my attention. If you have questions or wish to arrange a meeting, you may reach me directly at (757) 518-2175 or lasilvia@deq.virginia.gov.

Sincerely,



Lisa A. Silvia

Waste Inspector Senior II

Enclosures/Attachments

cc: File – NHW (w/o attachments)  
Jim McKown, USATC Fort Eustis (letter only)  
Julia King-Collins, DEQ, OWP (letter only – electronic)  
Alison Anderson, DEQ, OTA (electronic w/o attachments)

## Hazardous Waste Survey Sheet

Facility Name	<b>IMS Environmental Services Inc.</b>	EPA ID Number	<b>VAD041447111(5)</b>
Physical Address	1301 Marsh Street	City	Norfolk State VA Zip 23523
Mailing Address	PO Box 1779	City	Norfolk State VA Zip 23501
Facility Representative(s)	Contact Information		
	Bryan Genzler, ER Manager	Tel.	(757) 543-5718
	Larry Halda, Director of Norfolk Operations	Fax.	(757) 543-4561
		E-mail	<u><a href="mailto:bgenzler@hepaco.com">bgenzler@hepaco.com</a></u> , <u><a href="mailto:lhalda@imsenv.com">lhalda@imsenv.com</a></u>
DEQ Representative(s)		Date	Type of Inspection
Lisa A. Silvia, Waste Inspector Senior II		February 16 and 24, 2006	<b>CEI-Transporter</b>

### 1 BUSINESS DESCRIPTION

What is the business activity of the firm? (i.e., furniture manufacturing, metal plating, recycling)  
Emergency response contract services, remediation services, hazardous, medical and solid waste transport, and tank cleaning.

SIC Code(s)	(See NAICS)	NAICS Code(s)	562910 – Remediation Services
-------------	-------------	---------------	-------------------------------

Provide a description of processes and/or processes generating wastes. Attach a flow diagram for on-site waste management processes (other than simple satellite/container accumulation, unless relevant).

No routine hazardous waste generation on site.

Transport of hazardous waste in containers; 10-day transfer facility on site consists of a locked trailer box.

Limited vehicle maintenance on site. Oil and antifreeze are handled by US Filter. Oil filters are drained and crushed prior to disposal. No vehicle gasoline-related work done on site. Batteries go for vendor core exchange.

Switching to green tip fluorescent lamps as change out.

Used oil transporter.

Oil/water (petroleum) separation/processing services (in tanks) on site connected to a CWA-permitted pre-treatment process, including sludge management. Petroleum, including some limited gasoline, recovery goes for re-sale (e.g. oil sold as #5 blend and gasoline to Gladieux in Fort Wayne, IN). Waters are discharged to HRSD. Sludge is analyzed for TCLP prior to disposal to SPSA, Soilex, or the Middle Peninsula Landfill. Oils which are not processed on site are sent directly to C&M Industries, Norfolk, for recycle.

## Hazardous Waste Survey Sheet

### 2 WASTESTREAM(S)

Give a brief description of the waste stream(s) (by chemical name, if possible) and hazardous waste code(s) generated by the facility.

No routine hazardous waste generation.

### 3 GENERATION RATE(S)

(a) List the (a) nominal amounts of hazardous waste generated in any month and (b) the greatest amounts of all wastes ever accumulated/generated at the site if applicable to generator category determination (i.e., if a CESQG, have they ever exceeded 1000 kg accumulation, or if a SQG have they ever exceeded 1000 kg/mo generation for all waste streams aggregate).

Waste codes	(a) Amount generated in any month	(b) Greatest amounts of ever accumulated
N/A		

### 4 ACUTE HAZARDOUS WASTE

Yes No NA

(a) Has the facility generated >1 kg/mo of *acute* hazardous waste (P-list)?

☐ ☒ ☐

(b) Has the facility generated >100 kg of *acute* hazardous waste from spill clean-up residue?

☐ ☒ ☐

### 5 EXCLUSIONS

Yes No NA

(a) Does the facility generate any hazardous waste that is excluded from regulation? (i.e., reclaimed on-site, used as a substitute for a CCP, de-characterized by treatment). If yes, list the waste and the basis for the exclusion.

☒ ☐ ☐

#### COMMENTS:

Recovered gasoline from gassy waters is sold as fuel to/through Gladieux of Fort Wayne, IN. Recovered oil from oily waters/vessel slops is blended and sold as #5 fuel.

### 6 PRECIOUS METALS RECYCLING

Yes No NA

(a) Does the facility generate any hazardous waste that is reclaimed to recover economically feasible amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these?

☐ ☒ ☐

(b) If yes, list the waste and where it is sent. Verify compliance with Part 266 Subpart F and provide comments:

## Hazardous Waste Survey Sheet

### 7 ACCUMULATION TIME AND QUANTITY

Yes    No    NA    NC

(c) Has the facility accumulated hazardous waste in excess of time and quantity limits established for their generator class? [NOTE: A CESQG may not accumulate more than 1000 kg, a SQG may not accumulate more than 6000 kg or accumulate more than 180 days (or 270 days), and a LQG may not accumulate more than 90 days.]

☐    ☐    ☒    ☐

(d) Has the facility *episodically* generated hazardous waste in excess of their normal generator category? [Note: Applicable generator category requirements apply to *ALL* wastes during the period of generation and for as long as the waste remains on-site.]

☐    ☒    ☐    ☐

### 8 OFF-SITE SHIPMENT

How is the waste presently being handled? Where is it sent? (List all transporters and facilities, or on-site treatment performed.)		
Transporters/TSD Fac.	EPA ID Numbers	On-site Treatment
<b><u>Transporters (IMS is primary; others are secondary to TSD):</u></b> AERC IMS Environmental Services Inc Parts Cleaning Tech Pollution Control Industries Robbie D. Wood	VAR000502591 VAD041447111 NCR000138107 IND000646943 ALD067138891	
<b><u>Disposal Facilities (for waste transported by IMS):</u></b> AERC, Allentown, PA Detrex Corporation, Charlotte, NC PCI, Millington, TN	PAD987367216 NCD049773245 TND000772186	

### 9 FACILITY UNIVERSE

Based on the above preliminary information, the facility is considered to have acted as and is being evaluated for this inspection as a:

- ☐ Conditionally exempt small quantity generator (CESQG)
- ☐ Small quantity generator (SQG)
- ☐ Large quantity generator (LQG)
- ☐ Permitted or interim status TSDF
- ☒ Transporter – **hazardous waste and used oil**
- ☐ Other: explain

NOTE: If episodic generation has occurred, assign an appropriate generator status for this evaluation and assess compliance during/for the episodic period.

Comments:

### 10 VIRGINIA SPECIFIC REQUIREMENTS FOR NOTIFICATION

Yes    No    NA    NC

(a) Is the facility subject to the annual fee as a permitted facility or generator? (9 VAC 20-60-1283)

☐    ☒    ☐    ☐

(b) For new, episodic or provisional generators, has the facility provided notification to DEQ that it is

☐    ☐    ☒    ☐

## Hazardous Waste Survey Sheet

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a generator by submitting documentation to the Regional Office as required under 9 VAC 20-60-315 and 20-60-1283?

11 GENERAL COMMENTS

**See cover letter for additional details and concerns.**

# DEPARTMENT OF ENVIRONMENTAL QUALITY

## CHECKLIST FOR RCRA INSPECTION OF TRANSPORTERS

FACILITY NAME: IMS Environmental Services Inc.

EPA ID NUMBER: VAD041447111(5)

INSPECTION DATE: February 16 and 24, 2006

### VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS

#### VHWMR Section 9 VAC 20-60-

PART/ SECTION	REGULATION	YES	NO	P/V
420.A	Does the company transport hazardous waste which:			
	Originates within the Commonwealth?	X		
420.D.1	Originates within another state or a foreign county? (If yes, for foreign country, complete large quantity generator (LQG) checklist)	X		
	Terminates within the Commonwealth.		X	
	If yes to a, b or c above, complete the remainder of this checklist			
420.D.2	Does the transporter mix hazardous wastes of different shipping descriptions by placing them into a single container or tank? (If yes, complete large quantity generator checklist). This does not apply to CESQG waste-they are exempt from generator requirements in all cases!		X	
420.E 420.F 420.G.	Does the transporter have a currently valid Virginia Hazardous Waste Transporter permit? Permit Number: <u>VAD0414471115</u> Permit Expiration date: <u>11/09/2011</u> (The term of the permit shall be ten years)	X		

PART/ SECTION	REGULATION	YES	NO	P/V
430.A	Does the transporter retain one signed copy of all manifests for at least three years from the date of acceptance?	X		
460 & 40 CFR 262.B.5.	Are all hazardous waste transport vehicles placarded in accordance with the applicable provision of the Regulations Governing the Transportation of Hazardous Materials? NOT EVALUATED – NO WASTE ON SITE			
480.D	Does the transporter ensure that all labeling and packaging requirements required in Part VI of the VHWMR have been met by the generator before accepting a shipment of hazardous waste? NOT EVALUATED – NO WASTE ONSITE			
470	Is the transporter currently employing a manifest system for all hazardous wastes accepted from generators? (Does not apply to wastes received from conditionally exempt small quantity generators and wastes subject to reclamation agreement in accordance with 15.C.)	X		
470	Is the following information included on the transporter's copy of <u>each</u> manifest: <del>SEE</del> AREAS OF CONCERN IN THE COVER LETTER TO THIS REPORT REGARDING THIS SECTION			
	a. The generator's name, address, telephone number and EPA ID number?			
	b. Generator's signature and date of release?			
	c. A unique five-digit manifest number assigned by the generator?			
	d. Transporter(s) name and EPA ID number?			
	e. Printed transporter name, signature, and date of acceptance?	X		
	f. Name, site address, and EPA ID number of the facility designated to receive the waste?			
	g. Printed TSD representative's name, signature and date of acceptance? NOTE: IMS TRANSFERS TO SECOND TRANSPORTER, NOT TSD	X		
	h. The U.S. DOT description of each waste to include its proper shipping name, hazard class, and I.D. number (UN/NA) as identified in the Virginia Regulations Governing The Transportation of Hazardous Materials? NOT EVALUATED			

PART/ SECTION	REGULATION	YES	NO	P/V
	i. Quantities of each waste shipped and the units of weight or volume and the type and number of containers as loaded into or onto the transporter's vehicle?	X		
470	<p>j. The following certification from the generator:</p> <p>"I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked and labeled, and are in all respects in proper condition for transport by (mode of transportation) according to applicable international and national governmental regulations.</p> <p>If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to a degree I have determined to be economically practicable and that I have selected the practicable method treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford".</p>	*		
480.C	Has the transporter signed and dated each manifest acknowledging acceptance from the generator before transporting the waste?	X		
470	Does the transporter transport hazardous waste from generators of greater than 100 kg but less than 1,000 kg of hazardous waste in a calendar month pursuant to a reclamation agreement? If yes,		X	
	a. Is the following information contained on a log or shipping paper for each shipment:	N/A		
	- the name, address and EPA Identification number of the generator of the waste?			
	- the quantity of waste accepted?			
	- all DOT required shipping information?			
	b. Does the transporter carry this record when transporting the waste to the reclamation facility?	N/A		
	- the date the waste is accepted?			



PART/ SECTION	REGULATION	YES	NO	P/V
	c. Does the transporter retain these records for at least three years?	N/A		
480.H & 480.I	Has the transporter delivered shipments of hazardous waste only to storage, treatment, disposal, or other facilities permitted by the state in which the facility is located or to facilities permitted by the EPA or which qualify for interim status? NOTE: IMS TRANSFERS TO SECOND TRANSPORTER WHO TRANSPORTS TO TSD	X		
490.C	Has the transporter had a hazardous waste spill which involved any of the following:			
	a. A person being killed;		X	
	b. A person receiving injuries requiring hospitalization;		X	
	c. Estimated carrier or other property damage exceeding \$50,000;		X	
	d. Fire, breakage, spillage or suspected radioactive contamination resulting from a spill of radioactive material;		X	
	d. A situation which is deemed by the transporter to otherwise cause danger to life?		X	
	If yes to any of the above:			
490.C.1 & 490.C.2	- Did the transporter give notice at the earliest practicable moment to the national response center, U.S. Coast Guard and the Department of Emergency Services? (In case of a spill affecting State waters, notice shall also be given to the DEQ Water Division PREP team.			
490.C.4	- Was a written report filed with the Department within 15 calendar days of the spill?			
490.E	Has the transporter had a hazardous waste spill from a fixed facility (e.g. transfer facility) which required notification to the National Response Center? If yes, did the transporter notify the Chief Administrative Officer of the local government of the jurisdiction in which the release occurred?		X	
500	Has the transporter stored hazardous waste in containers or tanks for greater than ten days at the transfer facility? (If yes, fill out Unpermitted facility checklist)		X	

PART/ SECTION	REGULATION	YES	NO	P/V
279	Does the transporter act as a marketer of used oil burned for energy recovery? (If yes, complete the used oil burned for energy recovery checklist)		X	

**Comments: Two P/V not listed in checklist:**

- 1) 40 CFR 263.20(d)(3) – Did the transporter give the remaining copies of the manifest to the accepting transporter or designated facility? No (P/V): IMS files had both the transporter #1 and TSD copies of the multi-copy manifest for Bay Bridge dated 3/24/05. (See cover letter for details.)
- 2) 9 VAC 20-60-430.F – Has the transporter submitted an annual report for the preceding year within 90 days of the close of the reporting year? No (P/V): CY2002 and 2003 annual reports were submitted to DEQ on 9/28/05 in response to a request at permit revoke/reissue. CY2004 annual report was not found in DEQ files to have been submitted nor was available for review during the site visits. (See cover letter for details.)

**NOTE: A MARK IN THE “P/V” COLUMN INDICATES A POTENTIAL VIOLATION**

**IF A QUESTION IS NOT APPLICABLE, INDICATE “N/A” ACROSS THE COLUMNS**



**Hazardous Waste  
40 CFR 279 – Subpart C  
Standards for Used Oil Generators  
Used Oil Checklist**

Facility Name	<b>IMS Environmental Services Inc</b>	EPA ID Number	<b>VAD041447111(5)</b>
DEQ Representative(s)	<b>Lisa A. Silvia</b>	Date	<b>February 16 and 24, 2006</b>

Used oil is any oil that has been refined from crude oil or any synthetic oil that is used, and as a result of such use, is contaminated by physical or chemical impurities. In general, this includes engine crankcase oil, machine lubricating oil, cutting oil, hydraulic oil, heat treating oil, and compressor oil. "Waste oil" is not the same as used oil. Part 279 standards established for used oil management operate under the presumption that used oil will be recycled. Therefore, the Part 279 standards apply unless the used oil is managed or disposed of inconsistent with Part 279 requirements, at which point the generator must assess the oil for HW characteristics.

**1 40 CFR 279.11 Used oil specifications**

(a) Does the facility generate:

- ☒ On-specification used oil?  
☐ Off-specification used oil?

Yes      No

(b) Does the facility maintain documentation of its determination?

☐      ☒

**2 40 CFR 279.21 Hazardous waste mixing**

(a) Does the facility mix used oil and hazardous waste?

Yes	No	NA	NC
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b) If the used oil is mixed with a listed hazardous waste, does the facility manage the mixture as a hazardous waste?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

(c) If the used oil is mixed with a characteristic hazardous waste, does the facility manage the mixture as a hazardous waste if the mixture exhibits a hazardous waste characteristic?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

(d) If the used oil is mixed with a characteristic hazardous waste, does the facility manage the mixture as used oil if the mixture exhibits only the characteristic of ignitability?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

NOTE: CESQGs may mix their hazardous waste with used oil and manage the mixture as used oil.



**Hazardous Waste**  
**40 CFR 279 – Subpart C**  
**Standards for Used Oil Generators**  
**Used Oil Checklist**

	Yes	No	NA	NC
<b>3 40 CFR 279.22 Used oil storage</b>				
(a) Does the generator store used oil in tanks, containers, or other units that are subject to regulation under Parts 264 or 265?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the facility store used oil in containers and above ground storage tanks that are in good condition and not leaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the facility label containers and above ground storage tanks with the words "Used Oil?"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Does the facility label fill pipes used to transfer used oil into underground storage tanks with the words "Used Oil?"	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Is there evidence of a release of used oil to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Did the facility stop the release, contain the released used oil, clean up and properly manage the released used oil, and repair/replace any leaking used oil storage containers or tanks prior to returning them to service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>4 40 CFR 279.23 On-site burning in space heaters</b>	Yes	No	NA	NC
(a) Does the facility burn used oil in an on-site space heater?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the facility burn only used oil generated on-site or used oil received from household do-it-yourself used oil generators?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Is the space heater designed to have a maximum capacity of not more than 0.5 million Btu per hour?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Are the combustion gases from the space heater vented to the ambient air?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>5 40 CFR 279.24 Off-site shipments</b>	Yes	No	NA	NC
(a) Does the facility transport used oil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If yes, does the facility have an EPA ID number?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) If no, does the facility transport:				
only used oil that is generated on-site or used oil collected from household do-it-yourselfers?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
the used oil in a vehicle owned by the generator or the generator's employee?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
no more than 55 gallons of used oil at any time?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
the used oil to a used oil collection center that is registered, licensed, permitted or recognized by a state or local government to manage used oil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) Does the facility use a transporter with an EPA ID number?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



**Hazardous Waste**  
**40 CFR 279 – Subpart C**  
**Standards for Used Oil Generators**  
**Used Oil Checklist**

- (e) If no, does the facility have a tolling agreement with the transporter to return reclaimed oil to the facility? ☐ ☐ ☒ ☐
- (f) List the used oil transporter and EPA ID number: IMS, C&M Industries (VAR000004721), and US Filter (VAD980537302)

**6 40 CFR 261.4(b)(13) Used oil filters**

- |   | Yes                                 | No                       | NA                       | NC                       |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| (a) Does the facility manage used oil filters?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Does the facility manage used oil filters under the exclusion of Part 261.4(b)(13)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Specify the method the facility uses to meet the exclusion:                         |                                     |                          |                          |                          |

**Drain and crush**

**COMMENTS**



[illegible]

**Silvia,Lisa**

---

**From:** Silvia,Lisa  
**Sent:** Wednesday, March 29, 2006 10:29 AM  
**To:** 'bgenzler@hepaco.com'  
**Subject:** Date on letter

Bryan,

I just realized the letter went out with the date of 3/27 (when it was sent 3/28). As that might impact the response time, please keep this email acknowledging the letter date should be March 28, 2006. Sorry for that oversight.

Thanks much!!  
Lisa  
(757) 518-2175

3/29/2006



# DEPARTMENT OF ENVIRONMENTAL QUALITY

## CHECKLIST FOR RCRA INSPECTION OF TRANSPORTERS

FACILITY NAME: IMS Environmental Services Inc.

EPA ID NUMBER: VAD041447111(5)

INSPECTION DATE: February 16 and 24, 2006

### VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS

#### VHWMR Section 9 VAC 20-60-

PART/ SECTION	REGULATION	YES	NO	P/V
420.A	Does the company transport hazardous waste which:			
	Originates within the Commonwealth?	X		
420.D.1	Originates within <u>another state</u> or a foreign county? (If yes, for foreign country, complete large quantity generator (LQG) checklist)	X		
	Terminates within the Commonwealth.		X	
	If yes to a, b or c above, complete the remainder of this checklist			
420.D.2	Does the transporter mix hazardous wastes of different shipping descriptions by placing them into a single container or tank? (If yes, complete large quantity generator checklist). This does not apply to CESQG waste-they are exempt from generator requirements in all cases!		X	
420.E 420.F 420.G.	Does the transporter have a currently valid Virginia Hazardous Waste Transporter permit? Permit Number: <u>VAD0414471115</u> Permit Expiration date: <u>11/09/2011</u> (The term of the permit shall be ten years)	X		

PART/ SECTION	REGULATION	YES	NO	P/V
430.A	Does the transporter retain one signed copy of all manifests for at least three years from the date of acceptance?	X		
460 & 40 CFR 262.B.5.	Are all hazardous waste transport vehicles placarded in accordance with the applicable provision of the Regulations Governing the Transportation of Hazardous Materials? NOT EVALUATED – NO WASTE ON SITE			
480.D	Does the transporter ensure that all labeling and packaging requirements required in Part VI of the VHWMR have been met by the generator before accepting a shipment of hazardous waste? NOT EVALUATED – NO WASTE ONSITE			
470	Is the transporter currently employing a manifest system for all hazardous wastes accepted from generators? (Does not apply to wastes received from conditionally exempt small quantity generators and wastes subject to reclamation agreement in accordance with §5.C.)	X		
470	Is the following information included on the transporter's copy of <u>each</u> manifest: *SEE AREAS OF CONCERN IN THE COVER LETTER TO THIS REPORT REGARDING THIS SECTION			
	a. The generator's name, address, telephone number and EPA ID number?	*		
	b. Generator's signature and date of release?	*		
	c. A unique five-digit manifest number assigned by the generator?	*		
	d. Transporter(s) name and EPA ID number?	*		
	e. Printed transporter name, signature, and date of acceptance?	X		
	f. Name, site address, and EPA ID number of the facility designated to receive the waste?	*		
	g. Printed TSD representative's name, signature and date of acceptance? NOTE: IMS TRANSFERS TO SECOND TRANSPORTER, NOT TSD	X		
	h. The U.S. DOT description of each waste to include its proper shipping name, hazard class, and I.D. number (UN/NA) as identified in the Virginia Regulations Governing The Transportation of Hazardous Materials? NOT EVALUATED			

PART/ SECTION	REGULATION	YES	NO	P/V
	i. Quantities of each waste shipped and the units of weight or volume and the type and number of containers as loaded into or onto the transporter's vehicle?	X		
470	<p>j. The following certification from the generator:</p> <p>"I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked and labeled, and are in all respects in proper condition for transport by (mode of transportation) according to applicable international and national governmental regulations.</p> <p>If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to a degree I have determined to be economically practicable and that I have selected the practicable method treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford".</p>	*		
480.C	Has the transporter signed and dated each manifest acknowledging acceptance from the generator before transporting the waste?	X		
470	Does the transporter transport hazardous waste from generators of greater than 100 kg but less than 1,000 kg of hazardous waste in a calendar month pursuant to a reclamation agreement? If yes,		X	
	a. Is the following information contained on a log or shipping paper for each shipment:	N/A		
	- the name, address and EPA Identification number of the generator of the waste?			
	- the quantity of waste accepted?			
	- all DOT required shipping information?			
	b. Does the transporter carry this record when transporting the waste to the reclamation facility?	N/A		

PART/ SECTION	REGULATION	YES	NO	P/V
	- the date the waste is accepted?			
	c. Does the transporter retain these records for at least three years?	N/A		
480.H & 480.I	Has the transporter delivered shipments of hazardous waste only to storage, treatment, disposal, or other facilities permitted by the state in which the facility is located or to facilities permitted by the EPA or which qualify for interim status? NOTE: IMS TRANSFERS TO SECOND TRANSPORTER WHO TRANSPORTS TO TSD	X		
490.C	Has the transporter had a hazardous waste spill which involved any of the following:			
	a. A person being killed;		X	
	b. A person receiving injuries requiring hospitalization;		X	
	c. Estimated carrier or other property damage exceeding \$50,000;		X	
	d. Fire, breakage, spillage or suspected radioactive contamination resulting from a spill of radioactive material;		X	
	d. A situation which is deemed by the transporter to otherwise cause danger to life?		X	
	If yes to any of the above:			
490.C.1 & 490.C.2	- Did the transporter give notice at the earliest practicable moment to the national response center, U.S. Coast Guard and the Department of Emergency Services? (In case of a spill affecting State waters, notice shall also be given to the DEQ Water Division PREP team.			
490.C.4	- Was a written report filed with the Department within 15 calendar days of the spill?			
490.E	Has the transporter had a hazardous waste spill from a fixed facility (e.g. transfer facility) which required notification to the National Response Center? If yes, did the transporter notify the Chief Administrative Officer of the local government of the jurisdiction in which the release occurred?		X	
500	Has the transporter stored hazardous waste in containers or tanks for greater than ten days at the transfer facility?		X	

PART/ SECTION	REGULATION	YES	NO	P/V
	(If yes, fill out Unpermitted facility checklist)			
279	Does the transporter act as a marketer of used oil burned for energy recovery? (If yes, complete the used oil burned for energy recovery checklist)		X	

**Comments: Two P/V not listed in checklist:**

- 1) 40 CFR 263.20(d)(3) – Did the transporter give the remaining copies of the manifest to the accepting transporter or designated facility? No (P/V). IMS files had both the transporter #1 and TSD copies of the multi-copy manifest for Bay Bridge dated 3/24/05. (See cover letter for details.)
- 2) 9 VAC 20-60-430.F – Has the transporter submitted an annual report for the preceding year within 90 days of the close of the reporting year? No (P/V). CY2002 and 2003 annual reports were submitted to DEQ on 9/28/05 in response to a request at permit revoke/reissue. CY2004 annual report was not found in DEQ files to have been submitted nor was available for review during the site visits. (See cover letter for details.)

**NOTE: A MARK IN THE “P/V” COLUMN INDICATES A POTENTIAL VIOLATION**

**IF A QUESTION IS NOT APPLICABLE, INDICATE “N/A” ACROSS THE COLUMNS**



**Hazardous Waste**  
**40 CFR 279 – Subpart C**  
**Standards for Used Oil Generators**  
**Used Oil Checklist**

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Facility Name	<b>IMS Environmental Services Inc</b>	EPA ID Number	<b>VAD041447111(5)</b>
DEQ Representative(s)	<b>Lisa A. Silvia</b>	Date	<b>February 16 and 24, 2006</b>

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Used oil is any oil that has been refined from crude oil or any synthetic oil that is used, and as a result of such use, is contaminated by physical or chemical impurities. In general, this includes engine crankcase oil, machine lubricating oil, cutting oil, hydraulic oil, heat treating oil, and compressor oil. "Waste oil" is not the same as used oil. Part 279 standards established for used oil management operate under the presumption that used oil will be recycled. Therefore, the Part 279 standards apply unless the used oil is managed or disposed of inconsistent with Part 279 requirements, at which point the generator must assess the oil for HW characteristics.

**1 40 CFR 279.11 Used oil specifications**

(a) Does the facility generate:

- ☒ On-specification used oil?  
☐ Off-specification used oil?

Yes No

(b) Does the facility maintain documentation of its determination?

☐ ☒

**2 40 CFR 279.21 Hazardous waste mixing**

Yes No NA NC

(a) Does the facility mix used oil and hazardous waste?

☐ ☒ ☐ ☐

(b) If the used oil is mixed with a listed hazardous waste, does the facility manage the mixture as a hazardous waste?

☐ ☐ ☒ ☐

(c) If the used oil is mixed with a characteristic hazardous waste, does the facility manage the mixture as a hazardous waste if the mixture exhibits a hazardous waste characteristic?

☐ ☐ ☒ ☐

(d) If the used oil is mixed with a characteristic hazardous waste, does the facility manage the mixture as used oil if the mixture exhibits only the characteristic of ignitability?

☐ ☐ ☒ ☐

NOTE: CESQGs may mix their hazardous waste with used oil and manage the mixture as used oil.



**Hazardous Waste**  
**40 CFR 279 – Subpart C**  
**Standards for Used Oil Generators**  
**Used Oil Checklist**

	Yes	No	NA	NC
<b>3 40 CFR 279.22 Used oil storage</b>				
(a) Does the generator store used oil in tanks, containers, or other units that are subject to regulation under Parts 264 or 265?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the facility store used oil in containers and above ground storage tanks that are in good condition and not leaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the facility label containers and above ground storage tanks with the words "Used Oil?"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Does the facility label fill pipes used to transfer used oil into underground storage tanks with the words "Used Oil?"	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Is there evidence of a release of used oil to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Did the facility stop the release, contain the released used oil, clean up and properly manage the released used oil, and repair/replace any leaking used oil storage containers or tanks prior to returning them to service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 <b>4 40 CFR 279.23 On-site burning in space heaters</b>				
(a) Does the facility burn used oil in an on-site space heater?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the facility burn only used oil generated on-site or used oil received from household do-it-yourself used oil generators?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Is the space heater designed to have a maximum capacity of not more than 0.5 million Btu per hour?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Are the combustion gases from the space heater vented to the ambient air?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 <b>5 40 CFR 279.24 Off-site shipments</b>				
(a) Does the facility transport used oil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If yes, does the facility have an EPA ID number?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) If no, does the facility transport:				
only used oil that is generated on-site or used oil collected from household do-it-yourselfers?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
the used oil in a vehicle owned by the generator or the generator's employee?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
no more than 55 gallons of used oil at any time?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
the used oil to a used oil collection center that is registered, licensed, permitted or recognized by a state or local government to manage used oil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) Does the facility use a transporter with an EPA ID number?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



**Hazardous Waste**  
**40 CFR 279 – Subpart C**  
**Standards for Used Oil Generators**  
**Used Oil Checklist**

(e) If no, does the facility have a tolling agreement with the transporter to return reclaimed oil to the facility? ☐ ☐ ☒ ☐

(f) List the used oil transporter and EPA ID number: IMS, C&M Industries (VAR000004721), and US Filter (VAD980537302)

**6 40 CFR 261.4(b)(13) Used oil filters**

**Yes No NA NC**

(a) Does the facility manage used oil filters? ☒ ☐ ☐ ☐

(b) Does the facility manage used oil filters under the exclusion of Part 261.4(b)(13)? ☒ ☐ ☐ ☐

(c) Specify the method the facility uses to meet the exclusion:

**Drain and crush**

**COMMENTS**